

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of  
Inventor(s): ANDERSON

PATENT  
APPLICATION

Appln. No. 08/746,361

Group Art Unit: 1644

series code ↑    ↑ serial no.

Filed: November 8, 1996

Examiner: P. Gambel

Title: IDENTIFICATION OF UNIQUE BINDING INTERACTIONS BETWEEN CERTAIN  
ANTIBODIES AND THE HUMAN B7.1 AND B7.2 CO-STIMULATORY ANTIGENS

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TERMINAL DISCLAIMER

By Owner

Re Double-Patenting Rejection

Asst. Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Sir:

Petitioner, being the undernamed entity and the 100% owner of all rights, title and interests in  
and to the subject application:

1. ☐ by virtue of being the inventor(s) and having not assigned this application
2. ☒ as shown by the assignment recorded 01/31/97 on Reel 8359 at Frame 0655,  
(date)
3. ☐ as shown by the attached copy of the Assignment filed for recordal on \_\_\_\_\_  
(date)
4. ☐ and, if the assignee in that Assignment is not the original owner (inventor(s)), by the chain of  
Title from the original owner to that Assignment as recorded on \_\_\_\_\_ at Frame  
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hereby disclaims (except as provided below) the terminal part of the statutory term of any patent granted  
on the subject application, which would extend beyond the expiration date of the full statutory term defined  
in 35 U.S.C. 154 to 156 and 173, as presently shortened (if at all) by any terminal disclaimer of:

5. ☐ any patent granted in regard to U.S. Application No. \_\_\_\_\_ / \_\_\_\_\_ filed \_\_\_\_\_
6. ☒ The earlier granted United States Patent No. 6,113,898

to which said entity also has legal title. Petitioner hereby reserves the right to extend the term of the patent,  
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agrees that any patent so granted on the subject application shall be enforceable only for and during such  
period that it and the patent in above line numbered 5 or 6 are commonly owned. This agreement runs with  
any patent granted on the subject application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the patent in line numbered 5 or 6 above, as presently shortened by any terminal disclaimer, of the above-listed patent in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is otherwise terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

For submissions on behalf of an organization (e.g., corporation, partnership, university, Government agency, etc.), the undersigned (whose title is supplied below) is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Entity: IDEC Pharmaceuticals Coporation

By. RLT

Name: Robin L. Teskin

Reg. No: 35,030

Title: Partner

Date: February 11, 2002

\* Attorney and client: Please note on that other file and also this appln. file not to assign either separately in view of this disclaimer.

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) is enclosed.
- ☒ PTO suggested wording for terminal disclaimer in Form PTO/SB/25&26 (10-94) is all included herein without change in substance. Only the format is changed and added are only lines numbered 1, 2, 3, 4 and 5 plus the first full sentence following line 6 and (as required by 37 CFR 3.73(b)) the first full paragraph following line 6.